

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 FRANK D'AGOSTINO,

4 Plaintiff,

Case No. 3:20-cv-00480-RCJ-WGC

5 v.

6 NAUGHTON, et al.,

7 Defendants.

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9  
10 ORDER

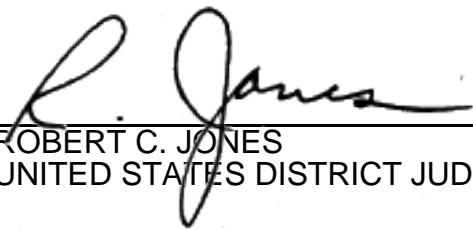
11 On January 12, 2021, Defendants filed a suggestion of death as to Plaintiff Frank  
12 D'Agostino. (ECF No. 11).

13 Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim  
14 is not extinguished, the court may order substitution of the proper party. A motion for  
15 substitution may be made by any party or by the decedent’s successor or representative.  
16 If the motion is not made within 90 days after service of a statement noting the death, the  
17 action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such,  
18 if there is no motion for substitution filed within ninety (90) days from the date of this order,  
the Court will dismiss the case.

19 IT IS ORDERED that the Court will dismiss this case in ninety (90) days from the  
20 date of this order if there is no motion for substitution filed pursuant to Federal Rule of  
21 Civil Procedure 25(a)(1).

22 IT IS SO ORDERED.

23 DATED: January 14, 2021.  
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ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE